

Staff Summary Report



Council Meeting Date: 08/14/03

Agenda Item Number: 24

SUBJECT: Request by Warner Professional Plaza, Lot 3 for a Horizontal Regime (Condominium Map) for four commercial units at 440 West Warner Road.

DOCUMENT NAME: 20030814dsht12

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Request by **WARNER PROFESSIONAL PLAZA LOT 3** (Warner Three, LLC, property owner) #SHR-2003.66 for a Horizontal Regime (Condominium Map) consisting of four commercial units on 0.47 net acres, located at 440 West Warner Road.

PREPARED BY: Hector Tapia, Senior Planner (480-350-8586)

REVIEWED BY: Steve Venker, Planning & Zoning Manager (480-350-8920)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Approval

ADDITIONAL INFO: Warner Professional Plaza Commercial Center is located at the north east corner of Warner Road and Kyrene Road. The four commercial condominiums will be located in Lot 3 to accommodate retail and restaurant spaces. The total building area in Lot 3 is 4,848 s.f. The applicant's intention is to sell each commercial unit and provide parking (tract "A") as common area. Parking also will be provided in Lot 1 and 2 as part of the parking by demand in process for the 3rd Amendment General Plan of Development of Warner Professional Plaza. The proposed condominium map appears to meet the minimum standards of Subdivision Ordinance 99.21. Public input is not required.

ATTACHMENTS:

1. List of Attachments
 2. Comments / Reasons for Approval / Conditions of Approval
 3. History & Facts
 4. Description
-
- A. Location Map
 - B. Applicant's Letter of Intent
 - C. Letter of Authorization
 - D. Horizontal Regime, Condominium Map

COMMENTS: The applicant's intention is to convert the building proposed for Lot 3 into commercial/retail condominiums. The applicant's intention is to convert each suite (Unit 101, 102, 103, and 104) space into a condominium unit and the parking, driveways, and landscape areas to be designated as "common areas".

The Horizontal Regime does not change any physical aspects of the proposed buildings. It creates four new legal properties – the air space within each commercial/retail unit that can be purchased by individual owners, who would typically own the suites and a percentage of the common areas. CC&R's that includes a landscaping/maintenance section is required by the City and shall be reviewed by the City Attorney prior to recordation of the condominium map.

The proposed Horizontal Regime appears to meet the minimum required standards of Subdivision Ordinance 99.21. Staff supports this request subject to conditions. Public input is not required.

**REASON(S) FOR
APPROVAL:**

1. The Horizontal Regime appears to conform to current technical standards and requirement of Subdivision Ordinance No. 99.21.

**CONDITION(S)
OF APPROVAL:**

1. The applicant/owner shall provide a continuing care condition, covenant and restriction (CC&R's) for the entire project's landscaping, required by Ordinance or located in any common area on site. The CC&R's shall be in a form satisfactory to the Development Services Director and City Attorney and must take place prior to recordation of the condominium map.
2. No variances may be created by future property lines without the prior approval of the City of Tempe.
3. The Horizontal Regime shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before August 14, 2004**. Failure to record the plan within one year of Council approval shall make the plan null and void

HISTORY & FACTS:

- April 11, 1996. City Council approved a zone change from AG Agricultural to PCC-1 Planned Commercial Center, and a General Plan of Development for Warner Highlands Center consisting of 55,224 s.f. on 6.7 net acres and a Final Plan of Development for Phase I for Diamond Shamrock Convenience store, consisting of 5,443 s.f. (including gas canopy) on 1.16 net acres. One use permit and two variances were also approved.
- April 17, 1996. The Design Review Board approved the building elevations, site plan and landscape plan for Warner Highlands Center – Diamond Shamrock Convenience Store located at 404 West Warner Road in the PCC-1 zoning district, subject to conditions.
- December 16, 1999. City Council approved an Amended General and Final Plan of Development for Kids 2 Center, consisting of 60,885 s.f. of total building area on 5.09 net acres at 8717 South Kyrene Road. The plan included a 45,885 s.f. multi-use kids club, a 4,475 s.f. retail building for smaller mixed-use tenants; a 5,000 s.f. building (2,000 s.f. dry cleaners and 3,000 s.f. retail); and a 6,000 s.f. Japanese restaurant. Two use permits and one variance was also approved, subject to conditions.
- January 5, 2000. The Design Review Board approved the building elevations, site plan and landscape plan for Kids 2 center located at 8717 South Kyrene Road in the PCC-1 zoning district, subject to conditions.
- September 21, 2000. City Council approved the request by Kids 2 for an Amended General and Final Plan of Development for 61,885 s.f. of total building area and a Final Subdivision Plat for 4 lots on 5.57 net acres including 3 variances.
Note: This plan and plat was never recorded with Maricopa County
- July 9, 2002. Planning Commission approved the request by Warner Professional Plaza for a Preliminary and Final Subdivision Plat and a 2nd Amended General and Final Plan of Development with variances for a center consisting of 47,552 s.f., of medical, office, retail, and restaurant on 5.57 net acres located at 8717 South Kyrene Road.
- July 17, 2002. Design Review Board approved the site plan and landscape plan for Warner Professional Plaza and building elevations for Lot 1 and Lot 2.
- August 8, 2002. City Council approved the request by Warner Professional Plaza for a Preliminary and Final Subdivision Plat and a 2nd Amended General and Final Plan of Development with variances for a center consisting of 47,552 s.f., of medical, office, retail, and restaurant on 5.57 net acres located at 8717 South Kyrene Road.
- July 8, 2003. Planning Commission approved the 3rd Amended General and Final Plan of Development for Warner Professional Plaza consisting of 47,552 s.f. on 5.57 net acres, in the PCC-1 Zoning District, to apply the Tempe Standard Shared Parking Model, including two use permits and one variance.
- July 17, 2003. City Council introduced the 3rd Amended General and Final Plan of Development for Warner Professional Plaza consisting of 47,552 s.f. on 5.57 net acres, in the PCC-1 Zoning District, to apply the Tempe Standard Shared Parking Model, including two use permits and one variance. This case includes Lot 3 site, which is part of this request, the Horizontal Regime application.

DESCRIPTION:

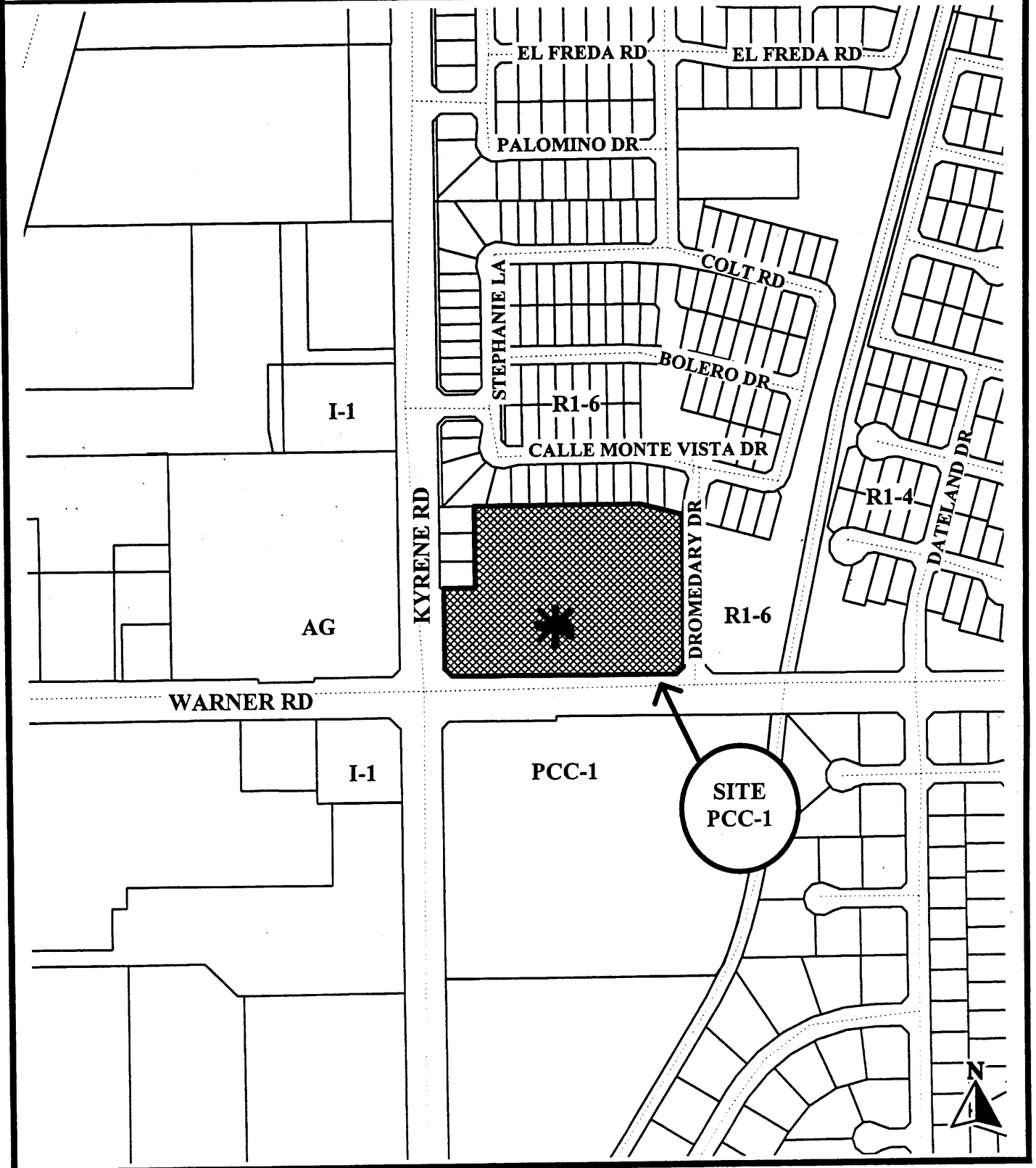
Owner – Warner Three, LLC
Applicant – Jason Segneri
Engineer – Survey Innovation Group, Inc.
Existing zoning – PCC-1
Total site area – 0.48 net acres
Total building area – 4,848 s.f.
 Unit 101 – 1,420 s.f.
 Unit 102 – 1,000 s.f.
 Unit 103 – 1,000 s.f.
 Unit 104 – 1,387 s.f.

Parking required – 46 spaces

Parking provided – 19 spaces within Lot 3 Plus 27 by shared parking on Lots 1 and 2 of
Warner Professional Plaza

WARNER PROFESSIONAL PLAZA LOT 3

SHR-2003.66



Location

A



June 30, 2003

City of Tempe
Engineering Division
P.O. Box 5002
Tempe, AZ 85280

Subject: Letter of Intent

To Whom It May Concern:

Warner Three LLC intend to create a Condominium Plat so that individual units can be sold for office use within the development.

The Site Plan is approved and on-site improvements are under construction. Should the City like to review the Condominium Declaration, please notify us and a copy will be forwarded to you for your review.

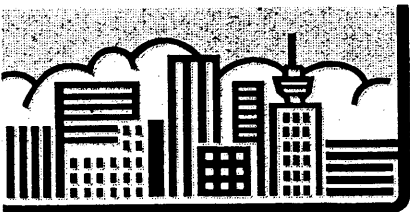
If you have any additional questions, please feel free to give me a call.

Sincerely,

Jason Segneri, RLS
President

8340 East Raintree Dr., Suite C1A, Scottsdale, AZ 85260 Phone: 480-922-0780 Fax: 480-922-

B



WARNER THREE, L.L.C.

1640 South Stapley Drive
Suite 243
Mesa, Arizona 85204
TEL: (480) 633-2800
FAC: (480) 633-2801

June 26, 2003

City of Tempe
31 East Fifth Street
Tempe, Arizona 85280

RE: Warner Professional Plaza
Pad 3
440 W. Warner Road - Tempe, AZ

TO WHOM IT MAY CONCERN:

Please let this letter serve as authorization for Survey Innovation Group, Inc, aka SIG to submit documents to the City of Tempe for the above referenced project on behalf of the Owner(s) - Warner Three, L.L.C.

Should additional information be required, please contact the undersigned at (480) 633-2800.

Thank you,

SCOTT W. SJOLSETH
Member

C

3240 E. RAINTREE DRIVE
SUITE C-1A
SCOTTSDALE, AZ 85260
PH (480) 823-0780
FX (480) 823-0781

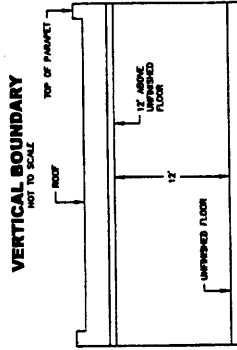


WARNER PROFESSIONAL PLAZA LOT 3 CONDOMINIUM TEMPE, ARIZONA



REVISIONS	DATE	BY	CHKD	APP'D
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

DRAWING NAME:
2187-LOT3-CONDO.BRG
JOB NO. 2187
DRAWN: JAS
CHECKED: ELS
DATE: 8-13-03
SCALE: 1"=10'
SHEET: 2 OF 2



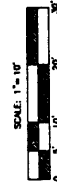
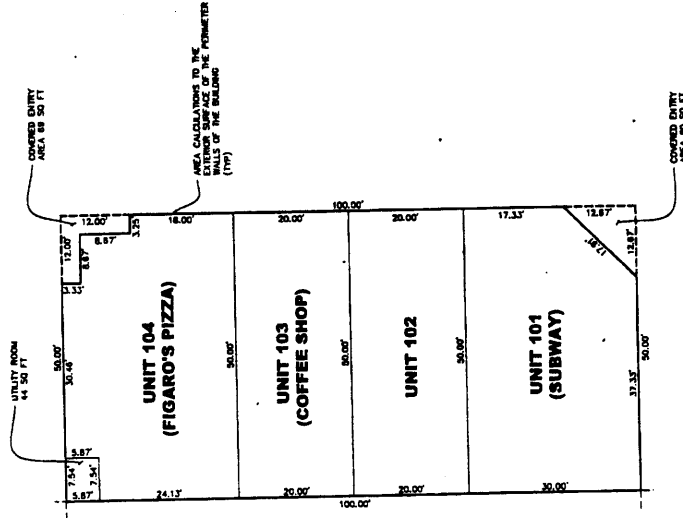
NOTE: BUILDING IS ONE STORY.

AREA TABLE

NO.	NET AREA	SHARED % OF UTILITY	TOTAL NET SHARED AREA	GROSS AREA	UNIMPROVED FLOOR	12\"/>
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NOTE:
DIMENSIONS SHOWN HEREIN ARE TO THE CENTER OF PARTY WALLS SEPARATING THE UNITS AND THE EXTERIOR SURFACE OF THE PERIMETER WALLS OF THE BUILDING.

--- ROOF LINE
--- UNIT BOUNDARY



DS _____ REC _____
SHR _____ REC _____
DS _____ SHR _____ REC _____

D1